

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7154**

**BILL NUMBER:** SB 164

**DATE PREPARED:** Dec 21, 2000

**BILL AMENDED:**

**SUBJECT:** Battery Against Children.

**FISCAL ANALYST:** Sherry Fontaine

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill enhances the penalty for battery to a Class A felony when it results in death and is committed by a person at least 18 years of age against a person who is less than 14 years of age. The bill provides that consent to adoption is not required if the parent is incarcerated for battery as a Class A felony or Class B felony. It provides that if a parent, guardian, or custodian of a child has a conviction for Class A felony battery that the court in a child in need of services proceeding is not required to make reasonable efforts to reunify the child with family. The bill also allows a warrantless arrest if a law enforcement officer has probable cause to believe a person committed a Class A felony battery. It includes a Class A felony battery as a serious violent felony and adds a provision that states that a conviction for a Class A felony battery allows the court to suspend only that part of the sentence that exceeds the minimum.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** This bill establishes the penalty for certain types of battery as a Class A felony. A Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances. The average length of stay in Department of Correction (DOC) facilities for all Class A felony offenders is approximately eight years, four months. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

**Explanation of State Revenues:** The maximum fine for a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.